THE HONOURABLE SRI JUSTIVE C.V. RAMULU

WRIT PETITION NO. 18482 OF 2006

DATED: 18-11-2006

BETWEEN:

Chinta Sambaiah
S/o. Markandeyulu

... Petitioner

And

The Collector(Civil Supplies),
Khammam and another

... Respondents

THE HONOURABLE SRI JUSTIVE C.V. RAMULU

WRIT PETITION NO. 18482 OF 2006

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the 2nd respondent in not supplying the kerosene to the petitioner as arbitrary and illegal.

It is the case of the petitioner that he is having a valid licence of kerosene hawker. The 2nd respondent under the guise of inspection, inspected the petitioner's hawker point and seized available kerosene on 31-06-2006 without assigning any reason. The 2nd respondent also prepared a seizure report on 02-08-2006 and referred the matter to the 1st respondent. Though the petitioner is having a valid licence as of now, the respondents are not supplying the kerosene to the petitioner for the reasons best known to them. Therefore, the present writ petition.

While admitting the writ petition, this Court by way of interim order directed the 2nd respondent to supply kerosene for the month of August 2006 and subsequent months pending disposal of the writ

petition subject to condition that the petitioner's licence is still subsisting as on that date.

Now a counter affidavit and vacate stay petition have been filed by the Government stating that during the verification of the shop premises, 200 liters of kerosene was found in the cattle shed, which was immediately seized under the cover of a Panchanama and 6-A proceedings have been initiated by the Collector (C.S.)

However, it is not asserted that the authorization of the petitioner was either suspended or cancelled as of now.

In view of the above, as directed by this court earlier, I am of the opinion that the respondents are bound to supply kerosene to the petitioner so long as the licence is subsisting or till the same is suspended or cancelled.

Writ petition is allowed accordingly. No order as to costs.

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18-11-2006

Rns.

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